



OFFICE OF THE POLICE COMMISSIONER

ONE POLICE PLAZA • ROOM 1400

October 7, 2011

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Alwin Ritchie**
Tax Registry No. 942431
90th Precinct
Disciplinary Case No. 84181/08

The above named member of the service appeared before Assistant Deputy Commissioner John Grappone, on September 28, 2010, and was charged with the following:

DISCIPLINARY CASE NO. 84181/08

1. Said Probationary Police Officer Alwin Ritchie, while assigned to the 75th Precinct, on or about January 11, 2007, while on-duty, having become aware of a purported allegation of corruption or serious misconduct involving Members of the Service, to wit, said officer was instructed by a Member of the Service, identity known to the Department, to continue to voucher the property of a deceased individual even though 820 English pounds initially recovered were missing, and did thereafter fail and neglect to notify his Commanding Officer and/or the Internal Affairs Bureau Command Center, as required. (As amended)

P.G. 207-21, Pages 1-2 ALLEGATIONS OF CORRUPTION AND SERIOUS MISCONDUCT AGAINST MOS, COMPLAINTS

2. Said Probationary Police Officer Alwin Ritchie, while assigned to the 75th Precinct, on or about January 11, 2007, while on-duty, having taken property into custody did thereafter fail and neglect to properly safeguard property, to wit: 820 English Pounds. (As amended)

P.G. 203-05, Page 2, Paragraph 14 PERFORMANCE ON DUTY – GENERAL

3. Said Probationary Police Officer Alwin Ritchie, while assigned to the 75th Precinct, on or about January 11, 2007, while on-duty did fail and neglect to make an entry in said officer's Activity Log regarding information received about the aforementioned incident. (As amended)

P.G. 202-21, Page 1, Paragraph 17 DUTIES AND RESPONSIBILITIES

P.G. 212-08, Page 1, Paragraph 5 ACTIVITY LOGS, COMMAND OPERATIONS

In a Memorandum dated July 11, 2011, Assistant Deputy Commissioner John Grappone found the Respondent GUILTY of Specification Nos. 1, 2 and 3. Having read the Memorandum and analyzed the facts of this entire incident, I approve the findings, but disapprove the recommended penalty.

I have examined all of the facts and circumstances surrounding this matter, including the Respondent's service record. I have determined that a lesser penalty than that which was recommended by Assistant Deputy Commissioner Grappone is warranted. Therefore, the Respondent is to forfeit 20 vacation days, as a disciplinary penalty.

A handwritten signature in black ink, appearing to read "Raymond W. Kelly". The signature is stylized with a large, circular initial "R" and a long, sweeping underline.

Raymond W. Kelly
Police Commissioner



POLICE DEPARTMENT

July 11, 2011

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Alwin Ritchie
Tax Registry No. 942431
90 Precinct
Disciplinary Case No. 84181/08

Sergeant Willie Abreu
Tax Registry No. 919971
Patrol Borough Brooklyn North Task Force
Disciplinary Case No. 84213/08

The above-named members of the Department appeared before me on September 28 and 29, 2010; November 29, 2010; December 14, 2010; January 24, 2011; and February 17, 2011, charged with the following:

Disciplinary Case No. 84181/08

1. Said Probationary Police Officer Alwin Ritchie, while assigned to the 75th Precinct, on or about January 11, 2007, while on duty, having become aware of a purported allegation of corruption or serious misconduct involving Members of the Service, to wit, said officer was instructed by a Member of the Service, identity known to the Department to continue to voucher the property of a deceased individual even though 820 English pounds¹ initially recovered were missing, and did thereafter fail and neglect to notify his Commanding Officer and/or the Internal Affairs Bureau Command Center, as required, (*As amended*)

P.G. 207-21, Pages 1-2 – ALLEGATIONS OF CORRUPTION AND SERIOUS MISCONDUCT AGAINST MOS, COMPLAINTS

2. Said Probationary Police Officer Alwin Ritchie, while assigned to the 75th Precinct, on or about January 11 2007, while on duty, having taken property into

¹ The full, official name of the currency of the United Kingdom is the pound sterling (symbol: £), and less formally referred to as the British pound.

custody did thereafter fail and neglect to properly safeguard property, to wit 820 English Pounds (*As amended*)

P G 203-05, Page 2, Paragraph 14 – PERFORMANCE ON DUTY – GENERAL

3 Said Probationary Police Officer Alwin Ritchie, while assigned to the 75th Precinct, on or about January 11, 2007, while on duty did fail and neglect to make an entry in said officer's Activity Log regarding information received about the aforementioned incident (*As amended*)

P G 202-21, Page 1, Paragraph 17 – DUTIES AND RESPONSIBILITIES

P G 212-08, Page 1, Paragraph 5 – ACTIVITY LOGS, COMMAND OPERATIONS

Disciplinary Case No 84213/08

1 Said Sergeant Willie Abreu, assigned to Patrol Borough Brooklyn Task Force, on or about January 11, 2007, did wrongfully and without just cause fail to supervise a Member of the Service under his supervision, in that he failed to ensure that said Member of the Service properly vouchered the property of a deceased individual to wit 820 English Pounds

P G 202-17, Page 1, Paragraph 1 – PATROL SUPERVISOR,
DUTIES AND RESPONSIBILITIES

2 Said Sergeant Willie Abreu, assigned to Patrol Borough Brooklyn Task Force, on or about January 11 2007, did wrongfully engage in conduct prejudicial to the good order efficiency and discipline of the Department, to wit, having knowledge that the property of a deceased individual was not listed on a property voucher, failed to conduct a proper investigation

P G 203-10 Page 1, Paragraph 5 – GENERAL REGULATIONS

P G 202-17, Page 1, Paragraph 1 – PATROL SUPERVISOR,
DUTIES AND RESPONSIBILITIES

3 Said Sergeant Willie Abreu, assigned as indicated above, on or about January 11, 2007, while on duty did fail and neglect to make an entry in said Sergeant's Activity Log regarding information received about a deceased missing property

P G 212-08, Pages 1-2 – ACTIVITY LOGS, COMMAND OPERATIONS

The Department was represented by Penny Bluford-Garrett, Esq , Department Advocate s Office Respondent Ritchie was represented by Joseph Murray, Esq , and Respondent Abreu was represented by Eric Sanders, Esq

The Respondents, through their counsel, entered pleas of Not Guilty to the subject charges A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review

DECISION

Disciplinary Case No 84181/08

Respondent Ritchie is found Guilty of Specification Nos 1, 2 and 3

Disciplinary Case No 84213/08

Respondent Abreu is found Guilty of Specification Nos 1 and 3 and Not Guilty of Specification No 2

SUMMARY OF EVIDENCE PRESENTED

The Department s Case

The Department called Sergeant Greg Gerson, Sergeant Desiree Ayala, Sergeant David Salmon, Police Officer Christopher Alvarado, Police Officer Kevin Shepherd, and Stedna Lawrence as witnesses

Sergeant Greg Gerson

Gerson has been a member of the Department for approximately 20 years and is assigned to Internal Affairs Bureau (IAB) Group 34. Gerson testified that on August 25, 2007, he became involved in an investigation concerning Respondent Ritchie and Respondent Abreu. Sergeant Desiree Ayala began the investigation, which was later transferred to him.

Teresa Morris, the daughter of Granville Williams, filed a complaint with IAB alleging that \$820 were missing from her deceased father's property. Morris based the complaint on a list she had received on the day of Williams' death, January 11, 2007.

In the course of the investigation, it was determined that two different property lists were prepared: one by Police Officer Kevin Shepherd, and another by Respondent Ritchie. [Department's Exhibit (DX) 1 is a list prepared by Shepherd. DX 2 is the list created by Respondent Ritchie.]

Upon receiving the case, Gerson ran the Respondents and Shepherd, as well as Police Officer Christopher Alvarado and Sergeant David Salmon, through the IAB database, IAPRO. The search generated a complete background on the officers. From this information, Gerson noticed that Respondent Ritchie was born and raised in Jamaica, so he conducted a Google search on the history of Jamaican currency. He discovered that British currency is the second most popular currency in Jamaica due to the fact that the island was once a British colony.

Gerson reviewed the roll call and memo books² of the officers involved in this case. Gerson testified that Respondent Ritchie's memo book contained the date, the supervisor's name for that day, and the person who performed the roll call. The memo

² Also referred to in testimony as Activity Logs

book showed that Respondent Abreu had given Respondent Ritchie his assignment that day, and that Respondent Ritchie had been dropped off at the scene of the decedent (DOA)

Gerson determined that Salmon was the Patrol Supervisor that initially responded to the scene, along with Alvarado and Shepherd. Respondent Ritchie was the relieving officer who was dropped off along with Respondent Abreu. Gerson conducted interviews of all of the officers in connection with this incident. In addition, he conducted a criminal background check on Stedna Lawrence, the woman who reported that Williams was deceased.

From his interview of Salmon, Gerson determined that Shepherd and Alvarado had responded to a DOA call at 635 Barbey Street. The officers called Salmon to respond, which he did. Salmon ordered Shepherd to conduct a search of the scene for valuables. At one point, a safe was found and Shepherd contacted the Emergency Service Unit (ESU) to respond. Inside the safe Shepherd found currency, among other valuables. Gerson believed that the items were in the sole possession of Shepherd until Respondent Ritchie came to the scene.

During Gerson's interview with Respondent Abreu, Respondent Abreu stated that he was the Field Training Unit (FTU) Sergeant, and that he was asked to pick up one of his FTU officers to take to the DOA location.

In addition to the members previously named, Gerson also interviewed retired Sergeant Christopher Kelly. Gerson had to interview Kelly because he had made a mistake in the initial investigation. [Gerson had been under the impression that Respondent Abreu had picked up Respondent Ritchie at the scene, when in fact

Respondent Ritchie stated that Kelly had picked him up from the DOA scene. Gerson did not notice this distinction until approximately two years after the initial interview with Respondent Ritchie. Gerson continued to ask Respondent Ritchie questions about Respondent Abreu throughout the course of the interview.³ He asked his questions in the context of Respondent Abreu responding to the scene, not Kelly. Respondent Ritchie did not correct Gerson at all during the rest of the interview.]

Approximately six months prior to testifying in this case, Gerson spoke to Kelly on the phone. Kelly was retired at the time. Kelly did not recall who Respondent Ritchie was and did not have any recollection of picking him up.

Pursuant to this investigation, it was determined that Respondent Abreu failed to stay with Respondent Ritchie, who was vouchering something for the first time ever. Additionally, Respondent Abreu failed to make a complete and proper entry into a memo book. Then, after Respondent Ritchie explained that property was missing, Respondent Abreu failed to investigate where the money was.

With regard to Respondent Ritchie, Gerson determined that he failed to contact IAB, had incomplete and improper memo book entries, and failed to safeguard DOA property.

Gerson had an opportunity to look at vouchers associated with this case and £820 were not listed on any of the vouchers. He did see 820 English Pounds listed on the official receipt documented by Shepherd. This receipt was signed by Lawrence, the only individual not associated with the Department that was at the location at the time of the incident. [DX 3 is a page from Shepherd's memo book that contains a list of DOA property, including "\$820 Eng Currency" and is signed by Lawrence.]

³ Gerson did not pick up this error, nor did his partner, nor did Respondent Ritchie's attorney at the time.

On cross-examination Gerson explained that, in his official Department interview, Respondent Abreu stated that he dropped off Respondent Ritchie at the scene Gerson believed that Respondent Ritchie was, in fact, dropped off at the scene by Respondent Abreu. He explained that Kelly was never under investigation in connection with this case and that Kelly did not remember responding to any DOAs at Barbey Street, nor did he remember who Respondent Ritchie was.

Gerson explained that he was able to establish that £820 was seen by members of the Department and that, at some point, that property was handed over to Respondent Ritchie. However, he did not know what happened to that money. He explained that Respondent Abreu told him that he did not look at the property when Shepherd handed it to Respondent Ritchie and he did not see any money. When Gerson interviewed Shepherd, Shepherd could not recall whether Respondent Abreu was present when the property was handed over, but he knew that a supervisor was present.

Gerson did not know what time the property was vouchered, or what time Respondent Ritchie returned to the precinct from the scene. Respondent Ritchie told Gerson that he had informed Respondent Abreu that the money was missing at the precinct. Gerson did not have specific times for when incidents occurred, but based on his interviews he determined that Respondent Abreu was told that the money was missing, and then went end of tour without investigating or calling IAB. Respondent Ritchie did not call IAB either. Gerson admitted that the allegation against Respondent Abreu regarding the memo book entry was based on the information given to him during his interview with Respondent Ritchie.

When asked by Respondent Abreu's counsel about an official Department interview Gerson conducted of Police Officer Roberto Stultz, Gerson did not recall the interview, even after he was shown a copy of Stultz's interview transcript and read the following statement from Stultz from the transcript "Well, I guess when – when the job first came in and I got pulled into the muster room, there was a work of what like to do with miss money anything like that "

On continued cross-examination, Gerson consulted his worksheet, dated July 22, 2010, regarding the interview he conducted of Kelly Respondent Ritchie's counsel asserted that the date on the interview was a mistake Gerson explained that when he discovered that this case was going to go to trial, he reviewed the tapes and realized that Kelly's name was mentioned by Respondent Ritchie as the person who brought him to the scene of the DOA

Gerson admitted that if he had picked up on Kelly's name in the testimony earlier, Kelly would have been part of the investigation Since he did not get this fact until approximately two years later, when the case was already closed, he could not investigate Kelly to the full extent as he was no longer a member of the Department Although Kelly was subpoenaed, he did not come to the trial and did not want to be associated with the Department anymore

Gerson admitted that whoever was with Respondent Ritchie at the scene was his supervisor due to his status as an FTU officer He explained that Shepherd had recovered the property that needed to be vouchered, which was given to Respondent Ritchie to finish the vouchering process

[There was a significant exchange amongst the respective parties regarding Kelly. It is Respondent Ritchie's position that Kelly was at the scene and witnessed the exchange of property. The Department was unable to secure Kelly's appearance in court, and took the position that Respondent Abreu dropped off Respondent Ritchie at the scene of the DOA. Lastly, Respondent Abreu's counsel urged that Kelly's presence did not matter to the issues at hand.]

Gerson explained that charges were substantiated against Respondent Ritchie based on the fact that he was the officer with the last known possession of the money. Gerson relied on Shepherd's account of the transfer of the property to Respondent Ritchie in making this determination. He clarified that nobody observed the money being counted out to Respondent Ritchie, nor was anyone absolutely sure the bag that supposedly contained the money, did.

Gerson testified that the property list provided by Shepherd substantiated his basis for determining that the property was given to Respondent Ritchie (DX 3). Gerson admitted that the normal procedure is to have the relieving officer sign the memo book acknowledging that the property was received, yet that was not done in this case. He did not ask why that procedure was not performed.

Gerson explained that all of the property that was found was vouchered, except for the £820. When comparing Shepherd's two-column list (DX 1) and Shepherd's memo book entry listing the property (DX 3), Gerson admitted that he did not notice that '11 half dollars' was listed on DX 3 but not DX 1. Additionally, the terms '41 2 05 nickels,' '42 dimes' and '15 3 75 quarters' were on Shepherd's list but not in his memo book. He did not know which list was created first. Gerson admitted that the

discrepancies could have affected Shepherd's credibility, and that he would have questioned him had he known the discrepancy earlier

Gerson explained that Property Clerk's Invoice⁴ N503840 (DX 5 contains invoices N503836 to N503841) had solely currency listed on it. The currency that was listed on DX 3, but not DX 1, was listed on this invoice, except for the £820

Gerson testified that, as far as he knew, at the time of the investigation, Respondent Ritchie was the last person to have the bag of property. Gerson did not know what property was actually in the bag. He stated that the fact that Respondent Ritchie was Jamaican was just an investigative inquiry, not the only factor for substantiating the claims against him.

Gerson admitted that during the official Department hearing, he told Respondent Ritchie that there was a possible arrest situation. He explained that he used this as an investigative tool.

Sergeant Desiree Ayala

Ayala has been with the Department for about 13 years and is currently assigned to Detective Borough Brooklyn North Operations.

After the IAB Command Center received a complaint from Morris regarding missing property, Ayala, then an investigator in IAB, was assigned the case. Her investigation lasted from March 2007 until Ayala was transferred in August 2007. In her preliminary investigation, Ayala received copies of the Activity Logs of Salmon, Shepherd, and Respondent Ritchie, but not Respondent Abreu. Ayala determined that the property

⁴ Also referred to in testimony as a voucher

list [not made by Shepherd] (DX 2) was made by Respondent Ritchie because his name was listed at the bottom of it. She did not confirm that Respondent Ritchie made the list.

Ayala interviewed Morris, who told her that when she came to the United States from England to retrieve her father's property, £820 were missing. She discovered that the money was missing when it was listed on the property list, but was not physically there. Additionally, Morris knew about the money since she had been bringing it to the United States for her father.

Ayala also interviewed Lawrence, who found Williams was not breathing on January 11, 2007 (DX 4 and 4A are the tape recording and transcript, respectively, of Lawrence's interview). The police and an ambulance responded to the scene, but they would not allow Lawrence to take possession of Williams' property because she was not the next of kin. She stated during the interview that the British currency and other property was secured by the police officers. However, Lawrence was unable to identify any of the police officers that were at the scene. She did identify the handwritten list of property that was prepared by Shepherd (DX 1). The third item on the left-hand side of the list referred to "820 English Currency." Lawrence did not recognize the list written by Respondent Ritchie (DX 2).

_____'s signature that follows Shepherd's list of DOA property in his Activity Log (DX 3). Lawrence did not have physical contact with the property in question. However, while she was at the scene, she had pointed out the British currency to the officers. Ayala did not see the bag that the property was in, and did not know what happened to it after that day. The rest of the vouchered property was given to the next of kin, Morris.

After interviewing Lawrence, the case was transferred to Gerson, and Ayala took no further steps in this case. Ayala's investigation did not include an investigation into Respondent Abreu.

On cross-examination, Ayala clarified that Lawrence did not know how much currency was recovered. Although Lawrence knew that the currency was recovered from a safe, she could not identify the officer that recovered it.

On continued cross-examination, Ayala explained that Lawrence did not identify which list was made first, only that her signature was along the bottom of one of them. Lawrence told Ayala that she saw Shepherd give Respondent Ritchie the property, but that Shepherd did not count it out to him. Lawrence never stated that either Respondent Ritchie or Shepherd looked in the bag, nor did she identify what the property was contained in or where the transfer took place.

The parties stipulated that all of the property was transferred together as a package as opposed to the property being handed from Shepherd to Respondent Ritchie one-by-one.

Ayala confirmed that when property is vouchered, it is the Department's policy to also voucher the bag containing the evidence.

Sergeant David Salmon

Salmon is a patrol supervisor at 75 Precinct. He has been a member of the Department for 21 years.

On January 11, 2007, Salmon responded to [REDACTED] in regards to a DOA at the residence, who was discovered by his caretaker, Lawrence.

Salmon has responded to hundreds of DOAs in his time with the Department. When Salmon arrived, Shepherd and Alvarado were at the scene and gave him an overview of what had happened.

At the scene, Salmon acted as a supervisor to ensure that the necessary paperwork (Complaint Report and Aided Card) was done, that the Detective Squad was notified, and that the Medical Examiner (ME) was notified, since Williams had lived alone. Generally, the procedure for a patrol supervisor responding to a DOA will vary based on the circumstances surrounding the death. Sometimes, it is necessary to initiate an investigation if foul play is suspected. If there is no next of kin present at the time, a search will be conducted.

Salmon directed Shepherd to conduct a search of Williams' apartment. Shepherd was accompanied by Salmon and Lawrence. The officers are looking for anything of value (e.g., cash, jewelry, IDs, and wallets). When something is found, it is usually taken into custody and vouchered. During the search, Alvarado was taking care of paperwork.

This particular search began in the living room where the DOA was. Lawrence was present throughout the search. Salmon believed that Shepherd searched the DOA, but could not recall whether he found a wallet or not. There was nothing else found in the living room or the kitchen.

In the rear bedroom, some jewelry, an EZPass, and a locked safe (approximately 2 feet by 2 feet) were found. When Salmon determined that he needed to open the safe, he called for ESU to respond. Two ESU officers responded and determined that the safe was small enough to carry out. The ESU officers carried the safe to the sidewalk.

accompanied by Shepherd Salmon, and Lawrence After ESU got the safe door open, they brought it back into the bedroom in order to search its contents

When the safe was brought back into the bedroom, Shepherd began to remove the contents of the safe Salmon and Lawrence were present in the bedroom Salmon stated that Alvarado was not in the bedroom with them

Salmon recalled Shepherd removing an EZPass and British pounds from the safe He stated that there was a lot of property being removed from the safe and Shepherd would place everything to be vouchered on the top of a dresser He did not recall whether the British pounds were also put on top of the dresser After the initial time he did not see the pounds again

Salmon testified that he told Shepherd to make a detailed entry into his memo book of everything to be vouchered and have Lawrence sign it Salmon could not recall whether he saw Shepherd creating the list, or whether he watched Lawrence sign the memo book

According to Salmon, DX 1 was likely a receipt that Shepherd made for Lawrence, but Lawrence did not sign it anywhere He identified that Lawrence's signature was inscribed on the Activity Log (DX 3) as per the instructions he gave Shepherd Salmon was at this particular location for approximately three hours

The bedroom was the last place to be searched Salmon explained that it is usually the responsibility of the officer to determine how to secure the property, whether in an envelope or a bag Before leaving he instructed Shepherd to voucher the property that was found, to make sure that the ME was on the way, and to call if anything out of

the ordinary came up After Salmon left the scene Shepherd was responsible for safeguarding and vouchering the property

Salmon explained that Shepherd was never alone with the property while he was there, but he did not know whether that was true after he left He testified that no other sergeant would have come to take over for Salmon in this situation

On cross-examination, Salmon admitted that while he, Shepherd and Lawrence went outside to watch ESU open the safe, Alvarado was still inside with some of the property He stated that he saw Shepherd remove the British currency from the safe and place it on the dresser Salmon believed that having the currency on the dresser meant it was secured, since it was under Shepherd's control When he left, Shepherd and Lawrence were the only people in the back bedroom

Salmon acknowledged that he was aware of Plastic Security Envelopes, but that he had never had occasion to have a patrol supervisor or other member of service bring one to the location to secure property Salmon maintained that he did not remember what happened to the property between the time he left at 1500 hours, and the time that the property was vouchered He said that he watched Shepherd prepare the entire list (DX 1) for Lawrence Salmon thought that Shepherd had created the list at the end of the search, although he agreed that it would be easier to make a list of property as the property was seized

Salmon stated that Respondent Abreu was not at the location while he was there

On continued cross-examination, Salmon clarified that the search was not done prior to his response, and was done under his instruction He believed that Shepherd had done a search of the body

Salmon stated that he had never seen Respondent Ritchie's property list (DX 2). He did not recognize any of the items on the list as being found on the body. Although Salmon earlier testified that he may have remembered a wallet in the apartment, he stated that it was not an item listed on DX 1. He admitted that he could not identify what items were found on the body as he may not have witnessed that particular search.

Salmon admitted that DX 1 may not have been the receipt list provided to Lawrence, but instead a list given to the relieving officer. He was unsure of whether she was actually given a list or not. Although the Patrol Guide procedure stipulates that the supervisor is supposed to verify the list made by a police officer by signing their name, Salmon admitted that he did not sign his name. Instead, he instructed Shepherd to make a list and have Lawrence sign it.

Salmon explained that he did instruct someone to call the Detective Squad, but he did not know if anyone from the squad had responded to the scene. Salmon did not ask Lawrence to leave once the search was over because two officers were there.

Salmon did not tell Shepherd to seal the residence after the body was removed. If a key is found, generally it must also be vouchered. Salmon clarified that after ESU returned the unlocked safe to the bedroom, they left the premises. He did not remember seeing Lawrence sign any receipt.

On re-direct examination, Salmon explained that he was not present to witness Lawrence sign Shepherd's Activity Log, but that he did see her signature in his Activity Log (DX 3). He agreed that Shepherd followed his directions.

Police Officer Christopher Alvarado

Alvarado has been assigned to the 75 Precinct for his entire seven-year career with the Department

On January 11, 2007, Alvarado was working a day tour and responded to [REDACTED] with his partner, Shepherd. Upon arriving at the scene, Lawrence was the only other person at the location. He explained that Lawrence told him that the DOA was a close friend of hers and that after trying to get in touch with him for numerous days, she went to his home and used keys that she had to enter the home. Alvarado requested an ambulance and a supervisor to the scene.

Alvarado started the administrative paperwork, which consisted of a Complaint Report and an Aided Card, and he made some phone notifications. Prior to Salmon's arrival, neither Alvarado nor Shepherd conducted a search of the apartment. When Salmon arrived, Alvarado continued to do the administrative paperwork in the living room near the DOA while Shepherd and Salmon conducted a search of the apartment. He stated that the search of the apartment was not conducted in his presence.

With regard to the Complaint Report he prepared, Alvarado said a scratch copy is usually completed at the scene and later typed [into the computer] at the precinct. Although Respondent Abreu was never his supervisor at the scene, the computer-generated report names Respondent Abreu as the "Supervisor Approving Name."

Alvarado explained that, at one point, he helped Shepherd prepare a list (DX 1). Alvarado explained that, although he did not help conduct the search with Shepherd, Shepherd was dictating to him a list of the items found as he went along. Alvarado identified his handwriting on the left column of the list up to the words "credit cards" and

the top three items on the right side of the list until the portion that read "SS cards "

Alvarado was in the rear bedroom when he wrote this information on the list. He stated that he did observe Shepherd looking at the property as he was dictating the list.

With regard to the third item in the left column, "820 English currency, ' Alvarado testified to having written "U S C ' directly after "820" and later crossing it out.

Alvarado did not see the British currency, nor did he remember why he crossed out

U S C '. He explained that he was not looking at the property on the dresser. He did not vouch for any of the items written on the list.

Under Salmon's direction, Alvarado left the scene at approximately 1550 hours at the end of his tour. He explained that Shepherd was left at the scene in order to safeguard the property and to wait for Alvarado's relief to come and vouch for the property.

Alvarado did not recall seeing Respondent Ritchie at the scene, however Alvarado did have Respondent Ritchie's name written in his memo book. Alvarado did not know why Respondent Ritchie's name was in his memo book, but stated " there is a possibility that I did if I put that in my memo book. Maybe on my way out he [Respondent Ritchie] was coming in ". He agreed with the Court that at some point Alvarado had to see Respondent Ritchie coming to relieve him, or he would not have written his name in his memo book.

On cross-examination, Alvarado stated that he could not recall whether Salmon was in the room while he and Shepherd made the list (DX 1). He confirmed that the list that he created was done in the bedroom after the search was completed.

He explained that when he left the scene he drove his patrol car (RMP) back to the command alone.

Alvarado did not remember seeing Respondent Abreu at all that particular day. He acknowledged that on the computer-generated Complaint Report, Respondent Abreu's name was listed as the supervisor who signed off on the report. Alvarado explained that the sign off could be done at the command, but for some sign offs, the supervisor needs to have been at the actual scene.

On continued cross-examination, Alvarado had no recollection of searching the DOA. Alvarado was unsure of whether Lawrence received a receipt. He did not know whether he was present when Shepherd wrote the list in his memo book, nor did he see Lawrence sign the memo book.

Alvarado explained that Salmon left before he did. There was no discussion or separation based on numismatic value,⁵ which is often separately vouchered. He explained that Shepherd probably continued the list that Alvarado started since he was leaving. He explained that no search was done after Salmon left the scene.

Alvarado did not know who brought Respondent Ritchie to the scene. Although he knew Respondent Abreu and Kelly, he did not recall seeing either of them that day. Alvarado said that desk officers usually review Complaint Reports before they are brought to the 124 room [for entry into the computer] but Alvarado did not know whether Respondent Abreu was working as a desk officer that day.

Police Officer Kevin Shepherd

Shepherd has been a member of the Department for six years and is assigned to the 75 Precinct where he performs patrol duties.

⁵ This is something of intrinsic value like old coins and jewelry. It is something with value beyond its face

Shepherd stated that on January 11, 2007, he was working a day tour. He and his partner, Alvarado, were the first officers to arrive at the DOA scene. Shepherd testified that some Emergency Medical Service (EMS) personnel and Lawrence were in the DOA's apartment. Through his conversation with Lawrence, Shepherd learned that Williams did not have any relatives in the country and that she (Lawrence) checked on him from time to time. Shepherd said he did not do anything with this information.

Upon arrival, Shepherd notified Salmon. Shepherd then canvassed the apartment and secured the DOA's belongings. He did not recall recovering anything from the living room or the kitchen. In the bedroom, Shepherd removed some items and placed them in an envelope that Lawrence had given him. He stated that Lawrence and Alvarado were present when he placed the items in the envelope.

Shepherd stated that before he put the items in the envelope, he documented it in his Activity Log. In addition, Shepherd listed the items on a separate sheet of paper (DX 1). He asserted that some of the writing on DX 1 was his and some was not. He stated that the entire left column up to where it says "PO Shepherd" is Alvarado's handwriting and the first half of the right column, beginning with "yellow metal ring," and ending with "(15) 3 75 quarters," is Shepherd's handwriting. Shepherd stated that while he was placing the items into the envelope, he was calling out their descriptions to Alvarado, who wrote them down.

Regarding his Activity Log (DX 3), Shepherd stated that the property listed on the sheet of paper (DX 1) is the same as the property listed in his Activity Log (DX 3). Shepherd also had Lawrence verify the property and sign his Activity Log. Shepherd

neither recalled seeing a purple satchel in the DOA's bedroom nor recalled placing any of the items in it

Shepherd testified that once Salmon came he conducted a more thorough search of the apartment and discovered two small, unopened safes in the closet. The safes were "one-foot-by-two-foot." Shepherd had ESU respond to open the safes. The safes were taken into the bedroom and were opened by ESU. Shepherd placed the contents of the safe into the same envelope with the other items. Shepherd recalled that there was also British pounds recovered from the safe. Shepherd stated that after removing items from the safe he placed them in the envelope. Further, he listed the items on the separate sheet of paper before writing it into his Activity Log. Shepherd then called his command to ask for relief as his tour was ending. He was not told by Salmon to voucher the property.

Shepherd was relieved by Respondent Ritchie. Salmon and Alvarado had left prior to Ritchie's arrival. Shepherd stated that Lawrence signed his Activity Log but not the receipt he gave her. When Respondent Ritchie arrived, Shepherd explained the situation and gave him the property. Shepherd told Respondent Ritchie that he had to wait for the ME to arrive and after the ME was done, then he (Respondent Ritchie) should go back to the precinct and voucher the property. Respondent Ritchie was in FTU at the time and may have had little experience with DOAs. Lawrence was still in the apartment with Respondent Ritchie.

Shepherd stated that he found out about the missing property right before he went for his official Department interview. Shepherd had not spoken to Respondent Ritchie from the time Respondent Ritchie relieved him at the scene of the incident, until Shepherd's Department interview.

Shepherd testified that he has responded to approximately 15 DOAs during his career and that he followed the same procedure in every instance, including the present case. He added that he did not voucher the property in this case because if he were to voucher it, he would have incurred overtime. There was never a time that he was left alone with the property.

On cross-examination, Shepherd stated he did not know who dropped off Respondent Ritchie at the scene. He stated he was in the living room with Lawrence when Respondent Ritchie arrived to relieve him. Shepherd stated he did not have any conversation or contact with Respondent Abreu while at Williams' apartment or at the 75 Precinct.

On continued cross-examination, Shepherd stated that upon arrival at the scene, he secured it by "making sure that nobody were to do anything and/or take anything away from the deceased person or any of his belongings." He was notified by EMS that Williams passed away due to natural causes. Shepherd also stated that his partner, Alvarado, notified the Detective Squad, but did not recall who responded. When asked if he was supposed to remove all unauthorized personnel from a crime scene, Shepherd responded, "No." Shepherd stated that he allowed Lawrence to stay in Williams' apartment because she was the only source of information he had regarding Williams. He added that Lawrence was not contaminating the scene in any way. Shepherd stated that he did not recall searching Williams' body.

Shepherd acknowledged that as he recovered items from the apartment, he told his partner and then placed it in the envelope. Shepherd further stated that he did not recall what item he recovered first, and that the items listed numerically on the list (DX

1) do not reflect the order in which they were recovered. He said that he entered a description of the property in his Activity Log so that he would have a list of the property that would be vouchered. Shepherd stated that he did not make entries in his Activity Log regarding ESU. Further, Shepherd said he did not recall the content recovered from the second safe. He also did not recall which safe was opened first. He stated that he was carrying the property and the safe with him.

When asked what he recovered from one of the safes, Shepherd stated, "The English pounds were in one of the safes as well as assorted -- I would imagine -- credit cards or jewelry. I don't remember exactly what else was in the safe." Shepherd acknowledged he also recovered four two-dollar bills. Shepherd asserted that he would voucher the British pounds "[a]s whatever denomination it was, English currency, the same way United States currency is vouchered." He added that after he completes a voucher, he brings it to the desk officer.

Shepherd stated he did not recall what he prepared first -- his Activity Log (DX 3) or the list (DX 1). In his Activity Log, Shepherd wrote down "11 half dollars," but "11 half dollars" does not appear in his list (DX 1). Shepherd could not explain why it was missing from his list (DX 1).

Shepherd acknowledged that he and Alvarado worked on his list (DX 1). Shepherd began writing on the list with "one yellow metal," but he did not recall recovering the items listed. There was also U.S. currency that was on the list and not in Shepherd's Activity Log, namely 41 nickels, 42 dimes and 15 quarters. He explained that this "could be an oversight with me not entering it in my memo book. I wouldn't have put it on the list and not put it in my memo book."

Shepherd further acknowledged that the British currency was also not listed in his Activity Log, but it was noted on the 1st (DX 1) He also maintained that the British currency was transferred to Respondent Ritchie, even though it was not listed in his Activity Log

Shepherd stated that he allowed Lawrence to remain on the scene because Lawrence was Williams' caregiver and also because she was present in the apartment when he arrived When asked if it is Department policy in cases when a DOA lived alone, to exclude all other people from a DOA's home and seal the door, Shepherd replied

The answer to that question is vague because if nobody else is there - - this is somebody who was already there, the person who discovered and has a key to the person's place and is allowed to go in and out of there as she pleases

The reason I can't answer that question, Department policy would tell you - - I'm not a hundred per cent sure - - but when you need the door seal it is so nobody else can come back into the premises after everything else is done

To establish if anybody else w[ould] go in there, it clearly states that that would be a criminal charge That's what the door seal is for

Shepherd said Lawrence was not in proximity to Williams' property Further, Shepherd stated that the property was in his hands the entire time Shepherd and Alvarado initially conducted the search of the apartment, and then Salmon and his driver joined in

Shepherd averred that before Lawrence signed his Activity Log he laid out all the property in front of her and went over each item He further stated that he did not know how carefully Lawrence looked at the property before she signed Shepherd's Activity

Log Shepherd added that before he asked Lawrence to sign it, he told her, "That what she's signing to is the list of property that is going to be vouchered for safekeeping " He stated that a short time later, Respondent Ritchie arrived and he gave Respondent Ritchie the property While documenting the items in his Activity Log, Shepherd believed that he was going to be the one to voucher the property, however, he was later instructed to call for relief since his tour was ending and he would incur overtime if he stayed and vouchered the property Shepherd said that approximately an hour-and-a-half after Salmon left, Respondent Ritchie arrived

Shepherd maintained that he did not leave the apartment until Respondent Ritchie arrived because he did not want to leave Lawrence alone in the apartment because there may have been more valuables in the apartment

Shepherd acknowledged that he knew who Respondent Abreu was Respondent Abreu was an FTU sergeant in the 75 Precinct at the same time Shepherd was in FTU Shepherd did not recall which sergeant came with Respondent Ritchie to the apartment Shepherd could not recall that he stated in his February 21, 2008, official Department interview that the sergeant who responded with Respondent Ritchie to the apartment "was new because I know the majority of the sergeants there "

Shepherd stated he "knows of" Kelly and knows what Kelly looks like

Shepherd did not remember saying at his official Department interview that the FTU sergeant who dropped off Respondent Ritchie at the DOA's apartment told him [Shepherd] that go back to the command That [Respondent Ritchie will] do the vouchering

When Respondent Ritchie arrived, Shepherd handed him the property. Shepherd also told Respondent Ritchie that Respondent Ritchie would have to vouch for the property when he got back to the command. Shepherd did not recall if Lawrence was present when he handed the property over to Respondent Ritchie. He also did not recall any conversations between Respondent Ritchie and Lawrence. He acknowledged that he should have asked Respondent Ritchie to sign his Activity Log regarding the transfer of the property.

Shepherd stated that during his other assignments involving DOAs, he usually vouchers the property himself.

Shepherd stated the envelope he used to store the property was a used "large mail envelope." Shepherd testified that he took everything out of the envelope and showed it to Respondent Ritchie. Shepherd said that "[Respondent Ritchie] agreed with whatever I had, and whatever I had documented, he agreed to it being there when I left." But Shepherd said he did not recall which document he showed Respondent Ritchie. Shepherd added that he gave Lawrence a receipt for the property.

On redirect examination, Shepherd testified that he would not include any property that did not actually exist, on either of the lists. He added that he noted the £820 on both lists.

Stedna Lawrence⁶

Lawrence has lived in New York for 19 years. She works as a Nursing Assistant and was a close friend of Williams.

⁶ Lawrence was interviewed by Department investigators on April 6, 2007, and her statements during that interview are consistent with her trial testimony (DX 4 and 4A).

On January 11, 2007 the telephone company called Lawrence because they had gone to Williams' home to fix his telephone and he was not answering. She told them that she would go by to check on him. When Lawrence arrived at the location, she saw Williams sitting in a chair and spoke to him. She received no response so she felt his skin, realized he was cold, and called 911. Lawrence explained that she had a key to his home because she was "the next person in line that goes to see him every day." In response to her 911 call, an emergency vehicle and the police came. She explained that there were "about three" officers on the scene, all were white. Lawrence did not recall the officers' names.

Lawrence told the officers that she was the not the next of kin, then "about two" more officers showed up. She explained that they were white as well. She stated that one of the officers who responded to the scene identified himself as a supervisor and explained that they would have to search and secure the property since she was not the next of kin. Likewise, the supervisor searched and secured the property.

Lawrence explained that "about three" officers searched the apartment. She stated that she was not with the officers the whole time, but that she had gone in and out to the neighbor's apartment. She explained that they started the search in the living room where the police were calling people in the DOA's phonebook to determine who might be the next of kin. She was not sure whether the officers found anything in the living room. Lawrence recalled that the police retrieved a chain, some money, and a ring from the DOA's body, but she did not know when they retrieved it.

At one point, Lawrence observed no more than two officers search the bedroom. She stated that she was not in the bedroom with the officers the entire time. The officers

were searching in drawers and on the top of the buffet when they found a safe. The safe had a dual lock with a combination and a key. The officers tried to open the safe with the combination but they were unsuccessful. Lawrence stated that she had the key to the safe, which she turned over to the police. Still, the safe would not open.

Lawrence explained that more officers arrived and took the safe outside to open it. At that time, she went next door to the neighbor's apartment to try to call Williams' family in England. She stated that she was not with the officers when the safe was opened.

When the safe was returned to the bedroom, Lawrence was present. She observed officers, the same officers that had responded initially, as they removed items from the safe. She remembered seeing passports, cards, rings, and British currency taken out of the safe. She stated that the officers placed all of these items on the bed. After a while, the officers were putting the contents of the safe into an envelope. Lawrence stated that they counted the British currency in front of her. After showing Lawrence the property, the officers gave her a list.

Lawrence recognized her signature, and some of the items listed in Shepherd's memo book (DX 3). The officer that removed the items from the safe was the same officer who handed her the list.

Looking at DX 1, Lawrence recognized it as the list that was given to her, which she in turn provided to the DOA's daughter. The same officer that handed her the list (DX 1) had her sign his memo book (DX 3). She recounted that, "He gave me the list, then another police officer came and he went – we went to the living room and he handed over the package to the other officer."

Lawrence stated that the other officer that came in was by himself, and that he was black. She did not recall a purple satchel being handed to the officer, but she did remember an envelope. She said that when the first officer handed over the envelope, he gave some instructions to the second officer and then left, but she could not recall the instructions that was given.

Lawrence asked the second officer whether he was going to check the property that was given to him, to which the officer replied, "[I]t's okay." She stated that he did not look in the envelope. Lawrence stayed at the apartment until the second officer was picked up. She explained that he left her there by herself. She did not see the person who picked up the officer.

Usually, Lawrence would go to Williams' home approximately four or five times a week. She did not know exactly what a purple satchel was, but she did not recall seeing one. She clarified that she was in and out of the apartment and was not with the officers the entire time that they were searching.

On cross-examination, Lawrence did not recall seeing any purple pouch or small package passed at all. She explained that the officer that she had the conversation with regarding the transfer of property was black and she did not know if he was in the courtroom as she testified. She did not recall whether the officer she spoke to was a supervisor, or whether he had any stripes on the arm of his uniform.

On continued cross-examination, Lawrence stated that she was unsure of the time that she arrived at Williams' house, and did not know how long it took the police to respond to the scene. She stated that the initial officers that responded to the scene conducted a search together and they did not split up into the separate rooms.

Lawrence recalled that there was only one locked safe. She explained that the officers started the search when the supervisor came. The officers that first arrived did not do any kind of search.

Lawrence testified that approximately seven other neighbors were coming in and out of the apartment and standing in the two feet of hallway that led to the living room. Not all of the neighbors were coming at one time. The neighbors did not go anywhere else in the apartment, and nobody looked to see Williams' body in the front room.

Lawrence stated that even though she was coming in and out of the apartment, there was no way that people could come into the apartment because she was out in front where she could see what was happening on either side. She stated that she only left the officers once.

Lawrence explained that she did eventually get in contact with Williams' daughter. She explained that she was only on the phone with the daughter for about two minutes, and the daughter had not asked about any specific property or anything of that sort. She stated that the daughter was not on good terms with her father and did not know much about the contents of the residence.

Lawrence did not see who wrote the lists, when they wrote them, or in what order they were given to her. She just recalled being given the lists. She stated that the officer did not tell her why he wanted her to sign the list that she signed. She did check the list to see if the items recovered were on it, and she was satisfied with what was on the list.

Looking at Shepherd's memo book entries (DX 3), Lawrence did not know what \$11 ½ dollars referred to. Lawrence could not find \$11 ½ dollars on the other list (DX 1).

Lawrence explained that both she and Williams were Jamaican. She did not recall if she went to Jamaica after the incident.

Lawrence stated that the officers did not ask her for something to put property in. She was shown a purple Crown Royal liquor satchel [Respondent's Exhibit (RX) C⁷], but had no idea what it was. She explained that Williams liked to drink white rum, but she was not familiar with Crown Royal. She could not recall the color of the bag or envelope that the officers were putting property into; it was not purple or red – it was either brown or white.

Lawrence remembered that she watched the officers make the list, but she did not know if they were doing it item-by-item. She recalled that one of the officers did a search of the body, and she watched the person remove Williams' wallet. She was still at the residence when the coroner came. She did not know what the coroner did, but she stated that there were no officers at the scene when the coroner came. She did not recall if all of the officers had left together or separately.

With regard to the black officer that arrived, Lawrence clarified that he came unaccompanied and she was in the apartment when he first entered. The property had already been taken by the officers prior to the coroner arriving.

The Respondents' Case

The Respondents called Police Officer Roberto Stultz and Police Officer Melissa Rivera as witnesses and each Respondent testified in his own behalf.

⁷ RX c was marked for identification but not taken into evidence.

Police Officer Roberto Stultz

Stultz has been a member of the Department since January 2006 and is currently assigned to the 79 Precinct

Stultz testified that on January 11, 2007, he was working in the 75 Precinct FTU and was assigned that day as the driver for Respondent Abreu. Stultz could not recall whether Respondent Abreu left the 75 Precinct at all on January 11, 2007, but Stultz acknowledged that he himself did leave the command throughout the day. At some point, Stultz was called back to the 75 Precinct by Respondent Abreu to "help out with some property." Stultz could not recall what Respondent Abreu said to him regarding that assignment, but he did recall having to help Respondent Ritchie "do the scratch copies of the voucher itself, invoices."

Stultz stated that Respondent Ritchie gave him a few credit cards, a wallet, and loose change to itemize. Stultz agreed that he then prepared scratch copies of the Property Clerk's Invoices (RX A, 2 pages). Stultz acknowledged that it was his handwriting on those documents and that he prepared them on January 11, 2007. Stultz agreed that when he prepared the scratch copies of the voucher, he was in possession of the physical items listed therein. Stultz testified that when he was in the muster room with Respondent Ritchie and Police Officer Rivera, Respondent Abreu handed Stultz all of the items listed on the two scratch copies.

Stultz agreed that he was at a table in the muster room, but everyone was not sitting at the same table. He could not recall how many tables were in the muster room nor whether he had a conversation with Rivera or Respondent Ritchie. Stultz recalled that, at some point, there was a discussion about numismatic value property. Stultz

denied seeing Shepherd's property list (DX 1) nor seeing any list. He did not recall having any kind of a conversation with Respondent Ritchie regarding £820 nor did he recall the £820 being there at all. When asked if he had ever seen a British pound before, Stultz replied, "Never in my life, sir" and he denied knowing what one even looked like. He further denied seeing any stack of bills anywhere on the table and could not recall seeing any other property laid out on any table that the officers were at.

Stultz approximated that he, Rivera, and Respondent Ritchie spent 45 minutes vouchering the property. Upon refreshing his recollection with his memo book, Stultz stated that he received the assignment at 1730 hours. On that day, Stultz was working a 1200 by 2035 tour. He stated that after he helped Respondent Ritchie with the vouchers, Stultz went home. He affirmed that he worked on the vouchers until the end of his tour, but they were not completed by that time. He did not recall a discussion, at any time, about missing property.

On cross-examination, Stultz agreed that on that day he was assigned to drive Respondent Abreu but he was reassigned at some point, due to a mechanical problem with his RMP. He remembered being instructed to come back to the precinct, but he could not recall whether he was assigned a foot post or a post outside of the command. He also could not recall the first person he saw upon his arrival back at the 75 Precinct.

When asked what Respondent Abreu was doing inside of the station house on the date in question, Stultz stated "I wouldn't know. I was doing -- I was taking some other cops to the hospital for relief." Stultz did not recall how Respondent Abreu was dressed to go outside -- whether he was in a "street uniform" or he was "dressed down."

Stultz could not recall how many people were in the muster room at the precinct, but he agreed that it was more than one person. He said that they sat at a table and were assigned to do different tasks. Stultz could not recall the amount of time that Respondent Abreu was there when he gave instructions about the property. Nor could Stultz recall whether Respondent Abreu sat down with each person and viewed each piece of property on the table. According to Stultz, Respondent Abreu said you get a wallet with the contents and I took it from there. Stultz acknowledged that for each piece of property that he had listed on the scratch copy of the voucher, Stultz picked up each piece and looked at it.

Stultz could not recall if, at some point, he left the property on the table. He asserted, however, that he did not take any property and leave the location. He was not sure what happened to the property after he finished listing it. He acknowledged that, at some point, he left the room but he denied ever seeing any British pounds. Stultz testified that he could not recall hearing anything about missing British pounds during the 45 minutes of the vouchering process, but he recalled being asked that question by investigators during his July 13, 2010, official Department interview.

Stultz was reminded that during his official Department interview, Gerson asked him, "Do you recall any type of currency being there whether foreign or domestic?" and he (Stultz) answered, "No." Then Gerson clarified, "British pounds?" and Stultz stated, "I heard the word come up but I never seen any there. Pounds, yeah."

Stultz was asked what he was referring to when he stated during the official Department interview, "Well I guess when -- when the job first came in and I just got pulled into the room -- into the [muster] room -- there was a word like that what to do

with the missing money ” Stultz replied, “I heard numismatic money or what to do with it He clarified that he was referring to numismatic money and not missing money and offered, ‘ I m saying there`s numismatic money That s what I said It could be missed in translation He testified that he had “never seen” any money, namely the British pounds

Stultz could not recall if he had a conversation with anyone in the room during the vouchering process nor could he recall whether he went back to speak with Respondent Abreu after Stultz finished writing the scratch copies of the vouchers In addition, he could not recall seeing any British pounds When asked again about the official Department interview statement in which he mentioned missing money, Stultz explained, ‘ It s not missing money It`s numismatic money The context the question was asked was what to do with the type of money, numismatic Missing, numismatic ”

Stultz denied hearing Respondent Ritchie say anything during the vouchering process such as, ‘ Hey, there`s 820 English pounds that are not accounted for Stultz could not recall if Respondent Ritchie ever went back to Respondent Abreu to claim that there were £820 unaccounted for Nor could he recall if Respondent Ritchie ever told Stultz after the vouchering process, that £820 were missing He denied having any conversation with Respondent Ritchie after the vouchering process or hearing of any allegations that there were £820 missing Stultz stated that he did not hear of the missing British pounds until four years after

Stultz denied that any police officers helping him with the vouchering process complained that there was any missing property during the vouchering process He could not recall whether Respondent Ritchie ever claimed that there was missing property that

was unaccounted for during the vouchering process nor could he recall whether there was a lot of property spread out all over

Stultz denied going back later to check whether everything that he wrote on the scratch copy was actually transferred to the typed copy. He stated, "I just did the scratch copy for the property and then I left end of tour." He said that he would not know if the desk officer or anyone ever went back to see if the typed copy was accurate because Stultz left the muster room. Stultz denied knowing what happened to the property after he left it in the muster room, knowing if all the property was vouchered, or knowing if the scratch copy was transferred to an actual voucher.

On cross-examination by the Assistant Department Advocate, Stultz denied that he was at the DOA's home on January 11, 2007. Stultz also denied being in the car with Respondent Ritchie when he responded back to the 75 Precinct or coming into the 75 Precinct with him.

Police Officer Melissa Rivera

Rivera is currently assigned to the 94 Precinct.

On January 11, 2007, she was assigned to the 75 Precinct FTU. She recalled Respondent Abreu as one of her FTU sergeants. She did not recall Sergeants Carini and Kelly. While on her foot post, Rivera was approached by Police Officer Perez who told her that Respondent Abreu wanted to see her at the command. Rivera went back to the command and Respondent Abreu gave Rivera some vouchers to give to Respondent Ritchie in the muster room. Rivera said this took place approximately between 1825 and 1830 hours. Rivera did not recall how many vouchers Respondent Abreu gave her.

Rivera stated that Respondent Ritchie was in the muster room when she gave him the vouchers. She added that he had the property spread out on the table. She did not recall if anyone was assisting him. Rivera testified that she knew who Stultz was and that she and Stultz were in FTU together. Rivera did not recall seeing Stultz on the day of the incident. Rivera stated she stayed in the muster room with Respondent Ritchie and prepared a scratch copy of the voucher (RX F). Rivera said she neither knew what British currency looked like, nor did she recall seeing any foreign currency when preparing the scratch copy of the voucher.

On cross-examination, Rivera acknowledged that she did not see Respondent Abreu handle the property while he was in the muster room.

On further cross-examination, Rivera acknowledged that she was not with Respondent Ritchie for the duration of the time he was assigned to voucher the property.

On redirect examination, Rivera said she did not spend the remainder of her tour helping Respondent Ritchie with the voucher. She said she may have stayed in the station house but not with Respondent Ritchie in the muster room. She added that she may have stayed with Respondent Ritchie for no more than ten minutes. Finally, she said it may be possible that she prepared more than one scratch copy of the voucher.

Respondent Ritchie

Respondent Ritchie has been a member of the Department for approximately four-and-a-half years. Prior to joining the Department he was a member of the United States Marine Corp where he achieved the rank of sergeant. Ritchie was born in Jamaica and came to the United States when he was around 15 years old. He testified that

Jamaica received its independence from England in 1962 and that Jamaica now uses its own currency. While living in Jamaica, Respondent Ritchie neither saw nor used British pounds. In addition, Respondent Ritchie stated he had never seen British pounds prior to January 11, 2007.

On January 11, 2007, Respondent Ritchie was assigned to FTU and he was performing patrol duties. While on post, Kelly, one of the FTU sergeants, had signed Respondent Ritchie's Activity Log (RX B) at 1550 hours. Kelly then told Respondent Ritchie that he had to relieve a day tour officer who was at the scene of a DOA because that officer was not allowed to incur overtime. Respondent Ritchie arrived at the scene around 1555 hours, where Shepherd told Kelly that all Respondent Ritchie had to do was wait for the coroner and then voucher the DOA's property. In his Activity Log, Respondent Ritchie wrote that he relieved Alvarado because Alvarado was closest to him.

When Respondent Ritchie entered the apartment, Shepherd gave him a list and said, "This is the list that's the property and that's the body." All Respondent Ritchie had to do was voucher the property. Further, Respondent Ritchie said that Kelly instructed him that once the coroner came and picked up the body, Respondent Ritchie should call the desk and Respondent Abreu would send a relief for him or he would send somebody to pick him up. Respondent Ritchie described the bag with the DOA's property in it as a purple Crown Royal bag. Respondent Ritchie said the bag was "sitting in the corner of the sofa and it was tied. It was pulled and just tied up." The bag was on the sofa in the living room of the DOA's apartment. Respondent Ritchie stated that Shepherd physically gave him the list but not the property bag. After handing

Respondent Ritchie the list, Shepherd, along with Alvarado left the apartment Kelly left a couple of seconds later

The coroner eventually came to the apartment and was about to remove the body but he realized that the DOA was still wearing jewelry Respondent Ritchie asked Lawrence to get him a bag to place the jewelry in Respondent Ritchie made a list of the jewelry as the coroner removed it from the DOA's body and placed it in a black plastic bag that Lawrence brought. Respondent Ritchie did not know Lawrence's name on that day He does not recall if he gave Lawrence a receipt for the jewelry

Respondent Ritchie then called his command and another FTU sergeant picked him up and brought him back to the 75 Precinct Respondent Ritchie then gave the property to Respondent Abreu, who was sitting behind the desk Respondent Ritchie then went to the muster room where Respondent Abreu brought the bag and 'went through the property to see everything that was there and what goes on what voucher because it had jewelry, U S currency, credit cards[]" He agreed that Respondent Abreu was an FTU sergeant and knew that he (Respondent Ritchie) had essentially 11 days in the command

Respondent Abreu then told Respondent Ritchie that he needed to prepare a total of six vouchers Respondent Ritchie testified that as he was comparing the property to the list he discovered that the British currency was missing Respondent Ritchie stated that when he told Respondent Abreu about the missing currency, Respondent Abreu told him to voucher what [he] had, voucher what was there Respondent Ritchie then handwrote the items on Property Clerk's Invoice N503835 (RX D)

Respondent Ritchie stated that the handwritten voucher had to be voided because vouchers are required to be typed. In addition, Respondent Ritchie prepared two scratch copies of the vouchers (RX E). The £820 were not listed on his scratch copies of the vouchers (RX E). Respondent Ritchie asserted that he listed the credit cards on his vouchers, and somebody did all the jewelry and somebody did everything else. Like one did all the jewelry and cash and all the coins and everything."

Respondent Ritchie testified that while he was at the 75 Precinct, he never saw the £820. Respondent Ritchie also acknowledged that Stultz was with him for the remainder of his (Stultz) tour. In addition, Respondent Ritchie stated that Rivera was also there for the remainder of her tour. Respondent Ritchie incurred three hours of overtime as a result of vouchering the property.

Respondent Ritchie testified that the next time he heard of this case was about a month or two later. Respondent Ritchie gave the 75 Precinct Integrity Control Officer (ICO) a copy of his Activity Log (RX B), a copy of the vouchers (DX 5), a copy of the property list (DX 1) that Shepherd gave him and a copy of the property list (DX 2) that he (Respondent Ritchie) made. Furthermore, Respondent Ritchie stated that he did not remember telling the ICO that he mentioned the missing currency to Respondent Abreu. Respondent Ritchie added that because he was out of the Police Academy for only 11 days at the time of the incident, he was not proficient in preparing vouchers and therefore he only did what he was told to do by his supervisor.

On cross-examination, Respondent Ritchie acknowledged that he was post-changed once Kelly picked him up from his post. Respondent Ritchie again stated that he relieved Alvarado and Shepherd, and that Shepherd gave him the list. He said that

Respondent Abreu never showed up at the scene Respondent Ritchie stated that Kelly said Respondent Abreu was at the desk and to call Respondent Abreu when he needed to come back to the 75 Precinct Respondent Ritchie neither recalled the time he was post-changed nor did he remember the time he arrived at the 75 Precinct He said that once he arrived at the precinct, he gave Respondent Abreu the black plastic bag that Lawrence had given him (the purple bag was inside of the black bag), and Respondent Abreu told Respondent Ritchie to go and wait in the muster room

Respondent Abreu later returned with the bag and some vouchers and a security lead seal Respondent Ritchie said that Respondent Abreu inventoried the property Respondent Ritchie further stated that Respondent Abreu signed some of the vouchers, the rest were signed by Sergeant Whitman (the midnight FTU Sergeant) Respondent Ritchie stated that he realized the £820 were missing after he compared the list that Shepherd gave him (DX 1) to the property that was laid out on the table in the muster room At that point, Respondent Ritchie told Respondent Abreu that the British pounds were missing and Respondent Abreu responded, "Voucher what you have

Respondent Ritchie acknowledged that as per the training he received in the Police Academy, he was supposed to report missing or stolen property or corruption to IAB or a supervisor, but in this case, however, Respondent Ritchie maintained that he did not know of any corruption to report He said he notified his immediate supervisor, Respondent Abreu, and just followed Respondent Abreu's orders and vouchered the property

After Respondent Ritchie finished vouchering the property he gave it to Whitman. Respondent Ritchie acknowledged that Whitman looked at each and every voucher, sealed the Plastic Security Envelope, and signed the voucher.

Respondent Ritchie agreed that the first time he knew about the missing property was when he was questioned by the ICO.

Respondent Ritchie acknowledged that he was taught how to voucher property during his training in the Police Academy, but he stated that he was not "proficient" in vouchering the property.

On additional cross-examination, Respondent Ritchie agreed that after he got the property and the list (DX 1) from Shepherd, he went back to the station house and then compared the property to the list. Respondent Ritchie said that Shepherd and Alvarado left the DOA's residence together. Further, he denied receiving Shepherd's cellular phone number. Respondent Ritchie said he had no particular reason for not making entries in his Activity Log regarding the vouchers. He also did not have a reason for not making Activity Log entries when he notified Respondent Abreu that the British pounds were missing.

Respondent Ritchie stated that he neither saw Shepherd's Activity Log, nor did he see the list given to Lawrence. He said he only saw the list given to him by Shepherd, and used that list in the muster room of the precinct when he was comparing the property to the list. Respondent Ritchie added that he also made his own list—which consisted of the items the coroner removed from the DOA. He denied seeing a manila envelope at Williams' home.

Respondent Ritchie acknowledged that he vouchered "11 half dollar coins," on Property Clerk's Invoice N503837 (DX 5), even though it did not appear on the list that Shepherd gave him. Everything on the list created by Respondent Ritchie (DX 2) was vouchered. In addition, with the exception of the crossed out item, everything on the list prepared by Shepherd (DX 1) was also vouchered. Respondent Ritchie stated that he did not check the purple satchel while at the DOA's apartment.

On redirect examination, Respondent Ritchie stated that prior to his June 5, 2008, official Department interview, he did not have any time to review his Activity Log. When asked what Respondent Ritchie thought when he told Respondent Abreu about the missing property, he replied, "I thought he was like - - like he [Respondent Abreu] knew what happened to it, or if it was missing then he was going to do what he was supposed to do as a sergeant."

On recross-examination, Respondent Ritchie stated that although Respondent Abreu was not at the DOA's residence, Respondent Ritchie thought Respondent Abreu would know what happened to the missing property since Respondent Abreu was a sergeant and also because he was at the precinct desk.

Respondent Sergeant Willie Abreu

Respondent Abreu is currently assigned to the Patrol Borough Brooklyn North Task Force and has been with the Department since 1997. He was promoted to Sergeant in 2004.

On January 11, 2007, Respondent Abreu was working at the 75 Precinct as an FTU sergeant training new officers with three or four other FTU sergeants. He was

assigned to do administrative work that day and was not on patrol. Specifically, he was completing evaluations and training logs on the officers that were getting ready to leave their command. At approximately 1500 hours, Respondent Abreu was working in the sergeants' lounge when he received a call from Sergeant Joe Albert who was assigned to patrol that day. Albert asked Respondent Abreu if he could relieve a sector that was out on a DOA. In response, Respondent Abreu suited up and went to the area where the foot officers were posted and picked up Respondent Ritchie to take him to Barbey Street [REDACTED].

On the way to the Barbey Street location, Respondent Abreu instructed Respondent Ritchie that the DOA was "basically done." He explained that the only job left for Respondent Ritchie was to wait for the ME and turn custody of the body to the ME upon arrival.

When Respondent Abreu pulled up to the location, he saw an RMP double-parked. He stated that a sergeant was there with his operator standing on the street next to their RMP. Respondent Abreu saw Shepherd at the front door smoking a cigarette and Alvarado was at the front door as well.

Respondent Abreu explained that he and Respondent Ritchie exited the car and walked to the front of the house. Respondent Abreu told Shepherd and Alvarado that Respondent Ritchie was there to relieve them and that they would no longer need to wait for the ME. Respondent Abreu testified that Shepherd handed Respondent Ritchie a Complaint Report and an Aided Card. He stated that he did not see Shepherd hand Respondent Ritchie a purple bag or any other packages.

Before leaving, Respondent Abreu gave Respondent Ritchie final instructions to retain the bottom part of the toe tag for the receipt book, and to either return to the

precinct or his foot post, depending on the time Respondent Abreu stated that he left the location alone after being there for less than two minutes and went back to the precinct to finish administrative work on the second floor

At approximately 1800 hours, Respondent Abreu ran into Respondent Ritchie by coincidence in the muster room According to Respondent Abreu, Respondent Ritchie had two 10 to 12 foot tables pushed together with property spread out all over them Respondent Abreu explained that he approached Respondent Ritchie and asked what he was doing Respondent Ritchie responded, "The sector said I had to voucher the property also " Respondent Abreu did not recall whether there were any officers next to Respondent Ritchie during this time, however he did notice that other people were in the muster room at the time

Respondent Abreu instructed Respondent Ritchie to "standby, not to move to stay with the property Respondent Abreu testified that he went to find out who the officers in the sector were in order to have them come in and voucher their own property Respondent Abreu testified that he did not take inventory of the property nor did he touch it before he left the room He stated that he picked up the property at a later time

Respondent Abreu explained that he went to the roll call and discovered that the officers had been on a day tour and that their tour had ended a couple of hours ago, therefore, he decided to have Respondent Ritchie voucher the property instead He stated that other officers were in the room while Respondent Ritchie was vouchering the property but officers were not helping him voucher until later

When Respondent Abreu returned to the muster room, he categorized the property then he went back outside to get the security envelopes and the invoices He

explained that he did not take a full inventory he just grouped like items together (e g . jewelry with jewelry) The categorizing process took approximately 20 minutes Respondent Abreu stated that he was never shown a list of inventory by Respondent Ritchie

After returning to the muster room with the voucher materials in hand, Respondent Abreu gave Respondent Ritchie a quick refresher tutorial on how to properly voucher property, and then sat at the head of the table next to Sergeant Dave Whitman Respondent Abreu explained that he was sitting there in order to verify and sign the vouchers that Respondent Ritchie was going to do

At some point, Officers Rivera and Stultz came in to assist Respondent Ritchie Respondent Abreu explained that he would often call them in to help in similar situations Respondent Abreu stated that he collected the first invoice, personally placed all the items listed in the bag, and sealed it Then, Respondent Ritchie proceeded to sign the voucher, followed by Respondent Abreu

While Respondent Abreu was categorizing the property he remembered seeing both U S currency and foreign currency However, he recalled only seeing foreign coins not foreign bills Respondent Abreu stated that he supervised the completion of three vouchers At approximately 2030 hours, he went end of tour after supervising Respondent Ritchie for nearly an hour-and-a-half

Prior to going end of tour, Respondent Abreu told Whitman that Respondent Ritchie would not be finished, and he asked Whitman verify and sign the remaining Property Clerk's Invoices Whitman agreed

Respondent Abreu stated that Respondent Ritchie never told him that there was missing property on the night in question. He also denied ever having a conversation with Respondent Ritchie where he told him not to worry about the missing property. The first time Respondent Abreu knew of allegations of missing British pounds was in March 2008 when he went for an official Department interview.

Respondent Abreu clarified that he never went inside of the residence on [REDACTED] Street. Nobody was going to be inside the apartment with Respondent Ritchie as he waited for the ME. He explained that according to Department policy, it was normal procedure for a relieving officer to be left by himself.

On cross-examination, Respondent Abreu admitted that his assignment as administrative was not listed on the January 11, 2007, roll call (RX G). Respondent Abreu explained that after the roll call was completed, there was an agreement amongst the sergeants that Respondent Abreu would stay inside and complete reports that day.

Respondent Abreu explained that there are normally three FTU sergeants that go out on patrol and cover the FTU officers' posts. On average, 25 to 60 posts will be covered depending on how many officers are working that day.

Respondent Abreu testified that he did not go out on patrol on January 11, 2007. There were no changes made to the roll call after the sergeants determined that Respondent Abreu was going to stay inside the precinct to cover administrative tasks. The assignment change was not indicated on the Roll Call Adjustment (change) sheet.

On the day in question, Respondent Abreu was wearing his patrol gear until he left to go to the sergeants' lounge to do some paperwork. Respondent Abreu explained that the other sergeants, outside of the three FTU sergeants, were not aware that he was

not on patrol that day. Albert called Respondent Abreu, thinking that he was on patrol and asked for a relief. Respondent Abreu stated that he did not want to bother the other sergeants and needed a break, so he went to pick up a relieving officer from a foot post himself.

Although Respondent Abreu remembered taking an RMP, he did not remember which exact RMP it was. The RMP listed [as assigned to him] on the roll call was the same RMP that was assigned to Stultz on that day. Stultz may have been assigned as Respondent Abreu's operator, however, Respondent Abreu could not recall whether that was so.

Respondent Abreu reconfirmed that he was alone when he went to pick up Respondent Ritchie. He explained that Respondent Ritchie was within his command, a direct subordinate. Respondent Abreu admitted that it is custom and practice to sign an officer's memo book when a sergeant comes into contact with him, but he was not visiting Respondent Ritchie at that time, he was post-changing him.

Respondent Abreu stated that he picked up Respondent Ritchie after 1500 hours but before 1600 hours. Looking at Respondent Ritchie's memo book (RX B), Respondent Abreu explained that he saw a signature on the memo book at 1550 hours. He agreed that someone was supervising Respondent Ritchie at 1550 hours, however he did not know who signed the memo book and denied that it was his signature. Respondent Abreu identified that the memo book also listed that at 1550 Respondent Ritchie went 'off post' and at 1555 he was at [REDACTED]. Respondent Abreu explained that it would take less than a minute to get from Respondent Ritchie's post to [REDACTED] in a car.

Respondent Abreu explained that he left his memo book in his locker that day but he admitted that he was required to have his memo book when he was on patrol. When he picked up Respondent Ritchie, he did not ask him whether anything unusual had happened, nor did he make any memo book entries himself regarding transporting Respondent Ritchie to the DOA scene.

Respondent Abreu explained that he never entered the [REDACTED] residence. He walked Respondent Ritchie to the door to give him final instructions and to tell Shepherd and Alvarado that they were going to be relieved. He did not remember who the sergeant was that was standing on the street with his operator. He stated that he did not say anything to the sergeant that was there because he had already talked to Albert about the situation. Respondent Abreu did not recall seeing any civilians at the location when he was there.

During his March 6, 2008, official Department interview, Respondent Abreu had stated

I walked into the door. The relieving officer was there, and I believe he had the 61 Data Card and he handed Officer Ritchie the paperwork. I kind of gave him an idea of what he had to do because he had just come out of the Academy. He wasn't really sure so I basically told him what he needed to do, you know, for the paperwork and stated that the body be removed and then go to the Precinct and voucher any property that you find.

Respondent Abreu maintained that he did not enter the premises. He stated that his memory on the day of the interview was much worse than it was during trial. He said that he was under the impression that everything had already been done before he arrived, and that all Respondent Ritchie had to do was wait for the ME.

Respondent Abreu did not recall that he told Respondent Ritchie to "voucher any property that you find." He stated that he recalled later in the interview that he did not know there was property until later on. He explained that Shepherd was incorrect when he testified that he handed Respondent Ritchie the property right away. Respondent Abreu said that Alvarado was present when he came and he addressed both Shepherd and Alvarado before Respondent Ritchie was left to relieve them.

Respondent Abreu explained that neither Shepherd nor Alvarado were under his command as an FTU sergeant, but that he did recognize them as officers of the 75 Precinct. He stated that neither of them was holding property, nor did they go inside at any point. He did not sign any of their memo books when he went to the location.

While Respondent Abreu was at the scene, he did not determine whether the body was searched, if it was accessible to the ME, or even where the body was. He explained that he did not tell Respondent Ritchie that he would have to do a search of the body. Albert had already told Respondent Abreu that everything was completely done, so he did not think that it needed to be verified. Although Respondent Ritchie was out of the Police Academy for a week-and-a-half, Respondent Abreu did not feel that it was necessary to show him what to do with the DOA.

Respondent Abreu explained that certain tasks are the responsibility of the patrol supervisor that responds to the scene, not his. In this case, he identified the Patrol Supervisor as Salmon.

He explained that Albert had not mentioned anything about property, and that he did not question whether or not there was property that needed to be vouchered. After dropping off Respondent Ritchie, Respondent Abreu returned to the precinct and

continued doing administrative work. He admitted that he did not make any entries into the Interrupted Patrol Log.

Respondent Abreu explained that he and Kelly worked the same tours as FTU sergeants, but that he did not recall whether he had seen him on the day in question. He explained that he did not receive a call from Respondent Ritchie at any point after he dropped him off. Additionally, he did not pick up Respondent Ritchie from Barbey Street.

Although in his official Department interview Respondent Abreu testified that he may have picked up Respondent Ritchie, he stated at this proceeding, "I can tell you today that I know for a fact that I did not pick him up." He did reaffirm that he knew Respondent Ritchie came back to the precinct since he ran into him in the muster room between 1800 and 1900 hours.

Respondent Abreu stated that he did not recall telling Officer Perez to go get Stultz or Rivera. He explained that it was not his common practice to tell each person what they were responsible for vouchering. He agreed that Respondent Ritchie was under his direct supervision, and remained that way for approximately an hour-and-a-half while he was vouchering.

Regarding his statement during his official Department interview that he stayed with Respondent Ritchie for approximately five minutes, Respondent Abreu reiterated that his recollection of what had happened that day was very poor during the interview. He explained that he had been called in as a witness and that they wanted to know his involvement in the particular job, but that he had assumed it was a mistake and did not know anything about the incident until he went to the interview.

Respondent Abreu denied speaking with Lieutenant Drozeck regarding missing property. He stated that the investigation conducted by Drozeck occurred when Respondent Abreu was not present at the precinct. Additionally, he stated that he had never spoke to Salmon on the day of, or since, the incident. The first time he was aware of a problem with the vouchering was during his official Department interview.

Respondent Abreu reiterated that Respondent Ritchie never told him that £820 were missing.

On continued cross-examination, Respondent Abreu explained that he did leave Respondent Ritchie alone with the property one time, however the property was laid out on the table already. He stated that Respondent Ritchie never handed him any bags of property. He admitted that he knew Respondent Ritchie was a probationary police officer on the day in question, and stated that in hindsight he still felt that there was nothing wrong with leaving Respondent Ritchie with the DOA. He explained that the assignment given was trivial in nature. He stated that when he dropped Respondent Ritchie off at Barbey Street, he was not aware that there was any property that needed to be vouchered.

On re-direct examination, Respondent Abreu explained that he went end of tour and left Respondent Ritchie with Whitman as directed by the Commanding Officer of the 75 Precinct. He clarified that probationary officers were not normally assigned to DOAs, but that he had seen it done in the course of his career with the Department.

On re-cross examination, Respondent Abreu stated that he did not have a conversation with the patrol supervisor that day to make sure that everything was done. He stated that he did not even know who the patrol supervisor was that responded to the scene, but the patrol supervisor was in charge of supervising the search and checking the

accuracy of the property being removed against the officers' memo book, and the Patrol Supervisor must put his rank and name in the memo book

FINDINGS AND ANALYSIS

This case is about £820 that belonged to Granville Williams. Williams died in his home and his death was discovered by his friend, Stedna Lawrence. She called 911 and members from the Department responded. The British pounds, along with other property, were recovered from his residence and were to be vouchered. It was subsequently discovered at the station house that the British pounds were missing. The charges seek to hold Respondent Ritchie responsible for not properly safeguarding the currency and Respondent Abreu, an FTU sergeant at the time, responsible for not properly supervising Respondent Ritchie.

Disciplinary Case No. 84181/08

There are three specifications regarding Respondent Ritchie in this case. In Specification No. 1, this Respondent is charged with failing to report misconduct to his Commanding Officer and/or the Internal Affairs Bureau as required in that he was ordered by his sergeant, Respondent Abreu, to continue to voucher property of a deceased individual, Williams, even though he had become aware that £820 initially recovered was missing.

In Specification No. 2, Respondent Ritchie is charged that after having taken £820 into his custody, he thereafter failed to properly safeguard that currency.

In Specification No. 3, he is charged with failing to make an entry in his Activity Log regarding information about the incident involving the £820

Officers Alvarado and Shepherd were the first officers to arrive at Williams' home. Lawrence was there when they arrived and Sergeant Salmon was called in to supervise. Salmon supervised the search of the premises and, at one point, a safe containing Williams' valuables was located in his home. The safe contained £820, along with other property belonging to Williams. Lawrence remembered seeing the British pounds being taken out of the safe and, as she watched, one of the officers counted that currency in front of her.

Under Salmon's further supervision, Alvarado and Shepherd made a list of the property. One list was made as the property was gathered at the house (DX 1). That list was signed by Shepherd. A second list was made in Shepherd's memo book (DX 3). That list was signed by Lawrence. Both lists noted the £820.

After the lists were made, Shepherd placed the property, including the British pounds, into an envelope in anticipation of it being vouchered. Lawrence also saw the envelope. At one point, Shepherd had to call his command to ask for relief because his tour was ending and he had to transfer the property to another officer to complete the vouchering process.

Respondent Ritchie arrived at Williams' home. This Court was given two different versions as to who drove him there. Respondent Ritchie claimed that Sergeant Kelly, one of the FTU sergeants, took him to the scene, that Kelly entered the premises with him and told him he was to relieve the day tour officer who was guarding a DOA and he was to wait for the coroner to arrive. He also said that Kelly had a conversation

with Shepherd and also told him he was to voucher property. The second version, which will be discussed in more detail later in this decision, comes from Respondent Abreu who testified that he had driven Respondent Ritchie to the scene.

The problem this Court has with Respondent Ritchie's version is that it is uncorroborated. Shepherd did not know who dropped him off because he was in another room when Ritchie arrived. Alvarado did not see Kelly, and Lawrence saw Ritchie come in by himself. Kelly, who is retired, was interviewed by Sergeant Gerson on the phone and Kelly did not remember Respondent Ritchie nor did he remember responding to a DOA at Williams' address.

The more convincing version comes from Respondent Abreu who testified that he received a phone call from Sergeant Joe Albert, who was assigned to patrol that day, asking him to provide an officer as relief at the scene of the DOA. Respondent Abreu stated that he picked up Respondent Ritchie and took him to the DOA scene, but did not enter the location which credibly explains why no one remembered seeing Kelly or Respondent Abreu at the scene and supports Lawrence's testimony of seeing Respondent Ritchie enter the location by himself. Further, Respondent Abreu's version is a statement against his own interest in light of the charges against him, giving his testimony further credibility.

Shortly after Respondent Ritchie entered the location, he took possession of Williams' property. The critical issue at this juncture is how and under what circumstances this happened.

Shepherd testified that he gave the property to Respondent Ritchie and told him that he had to wait for the Medical Examiner. Lawrence testified that she saw Shepherd hand the property to Respondent Ritchie and when she asked him if he was going to check the property that was just given him, he told her, "[I]ts okay" and did not look in the envelope.

Respondent Ritchie stated that Shepherd only gave him a list of the property but not the property itself. According to him, the property was on a couch and it was contained in a purple Crown Royal bag. Once again, this Court does not find Respondent Ritchie's version credible. Shepherd and Lawrence corroborate each other and their version makes sense. In addition, no one other than Respondent Ritchie saw anything that resembled a purple Crown Royal bag, nor was such a bag vouchered with the property as it should have been had it existed.

More significantly as it relates to the instant charges, Respondent Ritchie admitted that he did not look inside the bag, purple or otherwise, while he was in the DOA's home. He stated that the first time he learned the money was missing was when he was in the station house checking the list against the property.

There was no evidence that pointed to what happened to that currency or to anyone charged herein with theft of that property. Whether it was lost or stolen is not the issue for this Court. What is germane to this case is that, at the point Respondent Ritchie took possession of the property, it was his responsibility to safeguard it. That responsibility meant that he should have known what he had in his hands at the time it was given to him and before he left the premises. Unfortunately, he did not think it important to inspect what was in the package. Had he done so and discovered that the

British currency was missing while still at the location, then he would have fulfilled his obligation of safeguarding it. At that point, if the money was in fact missing, Ritchie would have made the discovery in front of two witnesses—Lawrence and Shepherd—before taking the property away and therefore the onus for safeguarding it would have remained with Shepherd. Ritchie failed to conduct such an inspection of the envelope and therefore failed to take that necessary step to safeguard it.

Much was said about his lack of experience at that time due to the short time he was as a police officer, 11 days out of the Police Academy. This Court, however, has not lost sight of the fact that he held a responsible position as a sergeant in the U.S. Marine Corps and that experience, along with a minimum of common sense, should have been enough to expect him to double-check that the valuables he was handed coincided with the items on the corresponding list.

With regard to reporting the money missing, this Court was again presented with two versions of what occurred. When Respondent Ritchie realized the money was missing at the command, he stated that he reported it to Respondent Abreu. Respondent Abreu denied that Respondent Ritchie told him anything about missing British currency and he claimed that he did not learn that fact until some time later. Once again this Court finds Respondent Ritchie's version of events less than credible. There is independent evidence that casts doubt on Respondent Ritchie's version. Officers Stultz and Rivera, who helped him voucher the property, testified that Ritchie made no mention of the missing British pounds. Needless to say, if that much money was reported missing at the time the property was being vouchered, it would certainly have been the topic of the day and therefore quite memorable.

An additional indication that Respondent Ritchie is not being truthful is the fact that he failed to make any notation in his Activity Log about this missing property

Respondent Ritchie claims that he discovered the missing British pounds while vouchering the property. He claims he fulfilled his reporting obligation by telling Abreu. As has been noted this Court finds this testimony not to be credible and therefore concludes that he did not report the matter to Respondent Abreu.

Even had he notified Abreu, Respondent Ritchie claimed that Abreu took no action on this serious allegation and merely ordered him to continue to vouch the property. At this point he certainly had an obligation to make a further notification either to higher levels of command or to the Internal Affairs Bureau.

Again, he need not have been a seasoned officer to be aware of this responsibility—his prior experience and common sense should have been enough to guide him. It is also important to note that by holding Respondent Ritchie responsible for safeguarding the currency and notifying his Commanding Officer, this Court is, by no means, relieving Respondent Abreu of the responsibility he had in supervising Respondent Ritchie, a relatively new officer with the Department (as will be discussed later in this decision).

In addition, Respondent Ritchie, by his own admission, did not think it necessary to make a record of the missing British currency in his memo book. At the very least, had he made a detailed account of what transpired that day, it would have shed additional light on what may have happened to the £820.

Based on the foregoing, Respondent Ritchie is found Guilty of Specification Nos 1, 2 and 3.

Disciplinary Case No 84213/08

In Specification No 1, Respondent Abreu is charged with failing to supervise Respondent Ritchie, who was under his supervision, in that he failed to ensure that Respondent Ritchie properly vouchered £820. In Specification No 2, he is charged with not conducting a proper investigation after learning that property of a deceased individual was not listed on a property voucher. In Specification No 3, Respondent Abreu is charged with failing to make an entry in his Activity Log regarding information about the incident involving the missing £820.

Respondent Abreu was a Field Training Unit sergeant on the day the British currency went missing. This meant that, on that day, he had the responsibility of supervising new officers that were newly assigned to the field. Respondent Ritchie, who was out of the Police Academy for only 11 days, was one of the new officers that Respondent Abreu was in charge of.

Respondent Abreu admitted that he received a phone call from Albert to provide an officer to relieve those officers at Williams' home. Abreu, who stated that he assigned himself to administrative duty that day, put on his uniform and drove to where Respondent Ritchie was to change his assigned post. He then drove Respondent Ritchie to the DOA location. Respondent Abreu stated that on the way there, he instructed Respondent Ritchie on what is "basically done" at a scene of a DOA.

Once they arrived at the location, they exited the car. Respondent Abreu said that he encountered Shepherd and Alvarado outside the location, even though they (Shepherd and Alvarado) testified that they never saw Respondent Abreu. He said that he told them that Respondent Ritchie was there to relieve them and he saw them hand Respondent

Ritchie a Complaint Report and an Aided Card, but did not see them hand him a bag containing property

Respondent Abreu never went inside the premises because he claimed that he was told by Albert that the only thing that needed to be done was for an officer to guard the body until the ME arrived. Since he gave Respondent Ritchie instructions to that effect, he did not feel there was a need to go inside the location. Respondent Abreu left the location after being there for only two minutes and went back to the command to continue with his administrative work.

What Respondent Abreu failed to realize was that his primary duty that day was to supervise new officers like Respondent Ritchie. As a supervisor of new officers, it was not enough for him to take another supervisor's word as to what remained to be done at that DOA location. He had the specific responsibility to enter that location to determine for himself what had to be done. That would have been the only course of action for him, so as to ensure that he was not leaving a relatively new officer with a job that he may not have been equipped to handle.

Had Respondent Abreu entered the premises, he would have immediately learned that there was property that was going to be entrusted to Respondent Ritchie to safeguard and voucher. At that point, Respondent Abreu would have, and certainly should have, been in a position to instruct Respondent Ritchie to inspect the property that was being handed to him by Shepherd to ensure that it coincided with the list that was previously prepared by Shepherd. If the British pounds were missing at that point, then Abreu could have conducted an investigation at the scene before any of the property left the location.

Respondent Abreu's reason for not acting in the capacity of an FTU supervisor that day, he explained, was that since he was self-assigned to administrative work and not on patrol, his FTU duties were limited that day. This Court disagrees. Once Respondent Abreu assumed the task, as he should have, he assumed all of the responsibilities that go along with it.

When he picked up Respondent Ritchie and brought him to the DOA location, he, as an FTU supervisor, was required to do more than simply drop him off at the door. His lack of supervision allowed Respondent Ritchie to act without guidance or supervision.

Respondent Abreu's lack of supervision of Respondent Ritchie continued after Respondent Ritchie returned to the command with the property. Even then, Respondent Abreu did not sufficiently supervise the vouchering of Williams' property. While he claimed to have given Respondent Ritchie a quick tutorial on how to properly voucher property and got security envelopes and voucher invoices for him, he did nothing more than superficially group like items together without taking a full inventory of what was there. Had he spent a little more time with Respondent Ritchie and compared the list of property with the property itself, he would have discovered that the currency was missing and made the proper notifications to the Department. Respondent Abreu, however, did not do these simple supervisory checks and the currency was not discovered missing until Williams' daughter reported the loss sometime later.

As previously mentioned, this Court was given two different versions as to whether Respondent Abreu actually knew about the missing British currency. Respondent Ritchie said that he told Respondent Abreu, but Abreu denied that he did. This Court has found Respondent Ritchie's claim not to be credible and there is no other

evidence in the record to suggest that Respondent Abreu knew about the missing British pounds at the time of the vouchering

With regard to Respondent Abreu not making an entry in his Activity Log regarding information about the incident, this Court finds that while he may not have known that the currency was missing at the time of the vouchering he still had the responsibility to make entries about his involvement in bringing Respondent Ritchie to the DOA location and what transpired while there. This information is certainly relevant to the missing currency. At the very least it would have cleared up the uncertainty about who brought Respondent Ritchie to the location—Respondent Ritchie insisted that it was Kelly and not Respondent Abreu. He also should have listed in his Activity Log exactly what he did see being vouchered as that would have helped in any subsequent investigation. This requirement about making those entries is not decided in hindsight. To be sure, it is a record that should have been automatically kept so that if there is an incident, like the one in this case, a supervisor will have additional records to help investigators during their investigation.

Based on the foregoing, this Court finds Respondent Abreu Guilty of Specification Nos. 1 and 3 and Not Guilty of Specification No. 2.

PENALTY

Disciplinary Case No. 84181/08

In order to determine an appropriate penalty, Respondent Ritchie's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent Ritchie was appointed to the Department on July 10, 2006. Information from

his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum

Respondent Ritchie has been found Guilty of failing to notify his Commanding Officer and/or the Internal Affairs Bureau after discovering that £820 were missing. He was also found Guilty of failing to safeguard the British currency and failing to make an entry in his memo book concerning the event.

This Court is mindful that Ritchie was a new officer on the day of the incident. But even as a new officer, he did not act with the level of responsibility expected of any officer, let alone one with his military background and responsible rank. As a result of his serious lapse in judgment, British currency, property of a deceased person that was entrusted to this Department, cannot be accounted for. Moreover, his testimony lacked credibility.

Based on the foregoing, it is recommended that Respondent Ritchie be DISMISSED from the New York City Police Department, but that his dismissal be held in abeyance for a period of one year, pursuant to Section 14-115 (d) of the Administrative Code, during which time he remains on the force at the Police Commissioner's discretion and may be terminated at anytime without further proceedings. I further recommend that Respondent Ritchie forfeit a penalty of 30 vacation days.

Disciplinary Case No. 84213/08

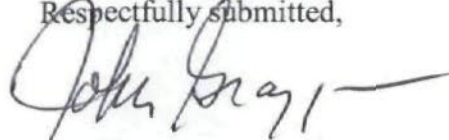
In order to determine an appropriate penalty, Respondent Abreu's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent Abreu was appointed to the Department on December 8, 1997. Information

from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent Abreu has been found Guilty of failing to supervise Respondent Ritchie and failing to make entries in his memo book concerning police work he did related to this event.

Accordingly, it is recommended that Respondent Abreu forfeit a penalty of 25 vacation days.

Respectfully submitted,



John Grappone
Assistant Deputy Commissioner - Trials

Regarding Disciplinary Case No. 08-84181

Respondent P.O. Alwin Ritchie



Regarding Disciplinary Case No. 08-84213

Respondent Sgt. Willie Abreu

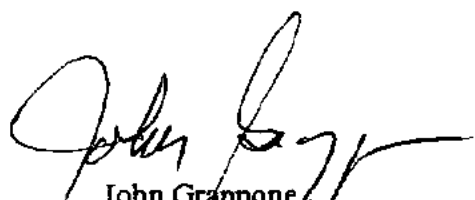


POLICE DEPARTMENT
CITY OF NEW YORK

From Assistant Deputy Commissioner – Trials
To Police Commissioner
Subject CONFIDENTIAL MEMORANDUM
POLICE OFFICER ALWIN RITCHIE
TAX REGISTRY NO 942431
DISCIPLINARY CASE NO 84181/08

The Respondent received an overall rating of 4.0 “Highly Competent,” 3.0 “Competent” and 3.5 “Above Competent” on his last three annual performance evaluation. The Respondent [REDACTED] and he has no prior formal disciplinary record.

For your consideration


John Grappone
Assistant Deputy Commissioner – Trials

POLICE DEPARTMENT
CITY OF NEW YORK

From Assistant Deputy Commissioner – Trials
To Police Commissioner
Subject CONFIDENTIAL MEMORANDUM
SERGEANT WILLIE ABREU
TAX REGISTRY NO 919971
DISCIPLINARY CASE NO 84213/08

The Respondent received an overall rating of 3.5 “Above Competent,” 3.5 “Above Competent” and 4.0 “Highly Competent” on his last three annual performance evaluation.

On March 31, 2002, the Respondent pled Guilty to unauthorized off-duty employment and failure to submit a formal change of name/address form. He forfeited a penalty of 30 vacation days.

For your consideration

A handwritten signature in black ink, appearing to read "John Grappone", with a horizontal line extending from the end of the signature.

John Grappone
Assistant Deputy Commissioner – Trials